

Attachment 1

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA
Article III, Original Constitutional Jurisdiction

Edward William: Wahler
Kathy Marie: Wahler
~~PO Box 681~~ **510 L.A. White Dr. Bldg 12**
Fletcher, North Carolina 28732
828-684-3600

Lewis-Vincent: Hughes
2904 Angus Road
Tenino, Washington 98589
360-264-5543

James Edward: MacAlpine
603 Woodlea Court
Asheville, North Carolina 28806
828-777-5553

Plaintiffs,

Vs.

Andrew F. Romagnuolo, in his personal
and private capacity
176 Oak Terrace
Arden, NC 28704

Timothy E. Penley, in his personal and
private capacity
2806 Meadows Rd
Greensboro, NC Defendants, **27407**

Case: 1:08-cv-00577
Assigned To : Robertson, James
Assign. Date : 4/3/2008
Description: General Civil

Civil Complaint and Petition for Injunctive Relief

Jury Trial Demanded

Mandatory Judicial Notice: This case is filed in the Article III Court, pursuant to the original jurisdiction, known as the District Court of the United States under original Constitutional authority. The Plaintiffs hereto are inhabitants of their respective county judicial districts, not US persons, they accept no federal benefits, nor are they eligible to receive any federal benefits and specifically deny being federal personnel as defined at 5 USC 552(a)(A)(13).

Plaintiffs accept the oaths and offered jurisdiction of a properly composed Article III court pursuant to 28 USC 88.

Complaint in federal court to preemptively sue while under threat of imminent indictment, declare the law of the case, breach of contract, injunctive, punitive, and compensatory relief.

Parties

- 1) Plaintiffs are men and women on the land, inhabitants of their respective county judicial districts of North Carolina and Washington states, each being one of the several states of the American Union. Plaintiffs Edward William: Wahler, Kathy Marie: Wahler, and James Edward: MacAlpine are currently inhabitants of Buncombe county, the land, North Carolina, the state. Plaintiff Lewis-Hughes is currently an inhabitant of Snohomish county, the land, Washington, the state.
- 2) The Plaintiffs are domiciliaries of the Constitutional Republic. They do not reside in, inhabit, have legal relations with, nor recognize a democracy as existing within the boundaries of the dejure several states of the American union. Plaintiffs also have no legal relations with a Federal Corporation (28 USC 3002 15,A) known as the United States, USA or any of the Federal Instrumentalities known as "States of", such as State of North Carolina and State of Washington.
- 3) Defendant Andrew F. Romagnuolo (hereinafter Andy) is currently an employee of the Federal Bureau of Investigation, an agency of the United States, a Federal Corporation. Defendant is currently a resident of State of North Carolina, a freely associated compact state, a federal territory foreign to North Carolina. Defendant exercises his office exclusively out of the District of Columbia.
- 4) Defendant Timothy E. Penley (hereinafter Timmy) is currently an employee of the Treasury Department, specifically Treasury Inspector General, Tax Administration (TIGTA). Defendant is currently a resident of State of North Carolina, a freely associated compact state, a federal territory foreign to North

Carolina. Defendant exercises his office exclusively out of the District of Columbia.

Jurisdiction and Venue

- 5) This action arises through an Article III injury in fact, breach of contract, trespass, tort, excess of jurisdiction, terrorism, mixed war as well as other violations of rights and immunities of a free and self governing people.
- 6) The Court has jurisdiction under section §1331 and §3231 of Title 28 of United States Code as well as 28 USC §2201 and §2202.
- 7) Venue lies in this Court under section 1391(e) of Title 28 of the United States Code.
- 8) Venue and Jurisdiction are further conferred on this court as a matter of legal necessity as a direct result of Congress' not having created Article III courts in any of the several states with the possible exception of Hawaii. Therefore, Plaintiffs have no legal remedy for an Article III injury in fact in any court other than the Article III court found in the District of Columbia.

Legal foundation for this suit

- 9) This lawsuit is being filed pursuant to Plaintiff's right to sue preemptively when there is imminent threat of indictment. The defendant Andy has informed Dr. Robert Clarkson, who was also raided in May of 2007, Kris Williams, an attorney in Western North Carolina, and Plaintiff James Edward: MacAlpine, an orthodontist whom the Defendant Andy met with that he was going to seek indictments against one or more of the Plaintiffs. Upon information and belief, a federal grand jury in Asheville, North Carolina is currently deliberating on these very issues. In *Farm Workers Nat'l Union*, 442 U.S. 289 (1979) the Court stated:

When the plaintiff has alleged an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder, he

"should not be required to await and undergo a criminal prosecution as the sole means of seeking relief."

See also *Virginia v. American Booksellers Ass'n*, 484 U.S. 383 (1988). The Plaintiffs assert that their Constitutional right to due process, equal protection, and their right to free speech and to peaceable protest have been chilled and threatened by the actions of the Defendants. Plaintiffs seek a declaratory judgment to declare the law as well as injunctive, declaratory and compensatory relief.

Plaintiffs have exhausted their administrative remedies with the Defendants as well as 10 other parties as representatives of the defacto corporate government. As purported fiduciaries of the People, and public servants, the Defendants had a duty to respond and did not, therefore Plaintiffs inform the court that all facts have been deemed admitted in this case and this case is ripe for summary judgment. (See Administrative Process attached as Exhibit 1).

Statement of Case

- 10) On August 24, 2004 the homes of Edward Wahler, and Lewis-Hughes were raided by agents of the FBI under the direction of Agent Andrew Romagnuolo. The raids were executed with extreme fire power with Anti-terrorism jackets worn by the armed agents. Considerable private property was taken from the victims homes. In each case the search warrant was signed by a magistrate judge. A copy of the probable cause affidavit was not provided or even made available and is still sealed in this case.

The raid allegedly resulted from an investigation into Plaintiffs Edward William: Wahler, Lewis-Vincent: Hughes and Kathy Marie: Wahler's use of bills of exchange to discharge alleged debts.

Andy has now teamed up with co-Defendant Timmy to investigate the tax filings of Plaintiffs Edward William: Wahler and James Edward: MacAlpine and Kathy Marie: Wahler, and upon direct inquiry, informing them that they were being investigated for criminal violations of Title 26, but only after an initial "interview" whereby Andy failed to inform Plaintiffs that they were the

subjects of a criminal violation, essentially committing fraud upon Plaintiffs as was held by the Courts in *U.S. v. Prudden*, 424 F.2d. 1021; *U.S. v. Tweel*, 550 F. 2d. 297, 299, 300 (1977).

"Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading."

- 11) The property of the Plaintiffs has been held for over 3 years in the case of Plaintiffs Edward William: Wahler, Lewis-Vincent: Hughes and Kathy Marie: Wahler.
- 12) The Affidavit of Probable Cause as well as the Search Warrant alleges violations of Title 18 Sections 514, 371 and 1341. Section 514 states:

Sec. 514. Fictitious obligations

(a) Whoever, with the intent to defraud –

- (1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;
- (2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or
- (3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States, any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.

Pursuant to the Supreme Court holdings in *Federal Crop Insurance v Merrill* (332 U.S. 380, 68 S.Ct. 1) the court stated:

Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority. The scope of this authority may be explicitly defined by Congress or be limited by delegated legislation, properly exercised through the rule-making power. And this is so even though, as here, the agent himself may have been unaware of the limitations upon his authority.

In light of 28 USC 535 which states:

28 USC § 535 Investigation of crimes involving Government officers and employees; limitations

(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of Federal criminal law involving Government officers and employees—

(1) notwithstanding any other provision of law; and

(2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

Plaintiffs have challenged the authority for Defendant Andy to enter one of the several states of the Union and investigate, harass, threaten and present force of arms to a Citizen of one of the several states.

- 13) Through a private administrative process in the form of a quo warranto, Plaintiffs have tried to get Defendant Andy to provide one shred of provable authority to commit the acts he has committed against the Plaintiffs.
- 14) As if the lack of congressionally conferred authority were not enough, in numerous discussions with Defendants by the Plaintiffs, the Defendants have been shown evidence that the actions of the Plaintiffs were found to have been valid actions to discharge debt, both in state Court as well as federal Court. On

the computers seized by Andy are copies of court records from Bank One v Ward, a Florida state case as well as U.S. v Williamson, a federal case out of Waco, Texas, in which the judges in each case found the presentment of a Bill of Exchange to have been lawful and valid to discharge a mortgage in the Bank One case as well as discharge the criminal sanctions in the U.S. v Williamson case. This obviously begs the question, how can Plaintiffs be prosecuted for relying on the holdings of state and federal Courts. There is copious case law clearly stating one cannot be so prosecuted. Plaintiffs contend that what we have here is a protection racket run by the FBI for the private Federal Reserve System.

- 15) Plaintiffs have requested that the Defendants specifically provide evidence of their authority to prosecute anyone who is simply relying on the holdings of both state and federal courts. Once again the Defendants have remained mute.
- 16) Plaintiffs have also shown the Defendants evidence that the Title 18 violations alleged in the Andy's Affidavit of Probable Cause have never been published in the Federal Register as required by Title 44 and Title 5, thereby providing notice and due process for the duty created by Congress with the legislation in Title 18. Andy has remained mute on this due process, equal protection issue.

Note: The affidavit of probable cause attached as Exhibit 2 is actually a copy of Andy's affidavit in a related case involving raids on Harry Lee Carper and Joe Laird. Since Plaintiffs Edward William: Wahler and Lewis-Vincent: Hughes have never been able to obtain a copy of the sealed documents regarding them, the Affidavit of Probable Cause for Lee and Joe are referenced here.

- 17) Plaintiffs have also presented evidence to Andy that Title 18 was never passed into law. Specifically on June 25, 1948 when Titles 18, 28, 3 and the Magistrate act were purportedly passed into law by the Congress assembled, as a matter of Congressional record, Congress was formally adjourned and not in session. It is axiomatic that Congress could pass no law nor legislatively effect anything while in recess. Andy has also remained mute on this issue.

- 18) Within the body of the administrative process completed by the Plaintiffs, there are over 450 statements of fact in negative averment form. None of these facts has ever been rebutted.
- 19) Plaintiffs also provided to Andy an Acceptance of Offer to Contract. The terms and conditions spelled out that Andy had to perform his duty in harmony with the Constitution, all properly passed laws of Congress and all Supreme Court holdings. It was also provided for in the Acceptance of Offer to Contract that Andy would provide a \$25,000,000.00 bond to protect the Plaintiffs from the unlawful acts of the Defendant. If Andy did not provide such a bond within 30 days then the Defendant agreed that he had committed a tort against the Plaintiffs and would be liable for damages in the amount of \$25,000,000.00 payable within 30 days. If the Defendant had not tendered payment within the 30 days, then the Defendant was admitting an intentional tort and would be liable to the Plaintiffs for treble damages in the amount of \$75,000,000.00 USD.
- 20) In the treaty known as the Atlantic Charter, to which the United States is a signatory, Article III states: *"They (the United States of America and the United Kingdom) respect the Right of all peoples to choose the form of government in which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."*
- Plaintiffs have repeatedly given notice that they have openly and notoriously declared their intention to be part of that great experiment in self government which began on July 4, 1776 on the North American continent. While President Roosevelt allegedly ended the experiment in self government (The Roosevelt coup d'etat of 1933-40, The history of the Most Successful Experiment Ever Made by Man to Govern Himself Without A Master, By Sterling E Edmunds of the St. Louis Bar, originally Published in 1940) Plaintiffs know that freewill is still available to them to choose their form of government as recognized by the same fascist promoter, President Roosevelt, who was the signer of the Atlantic Charter.

Plaintiffs choose to live under the original jurisdiction, a representative republic and reject a democracy, a fascist corporatist state. Plaintiffs contend that Andy's and Timmy's attempts to treat the Plaintiffs as U.S. persons, engaged in a federal franchise, and residents of the United States amounts to kidnapping and identity theft.

- 21) In the land commonly known as the United States, the People find themselves increasingly tormented by a police state. All democracies tend toward ever greater levels of the governmental control function. Today, surveillance, harassment, and out right contempt for the people is the order of the day for the way local, state and federal law enforcement show deference to the very people they are supposed to serve.

We find in the wisdom of the founding fathers that:

"I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." Thomas Jefferson.

"Bankers own the earth. Take it away from them, but leave them the power to create money and control credit, and with a flick of a pen they will create enough to buy it back." Sir Josiah Stamp, former President, Bank of England

And from the Holy Scriptures we find in Deuteronomy 25:13-16 (King James Version)

13 Thou shalt not have in thy bag diverse weights, a great and a small.

14 Thou shalt not have in thine house diverse measures, a great and a small.

15 But thou shalt have a perfect and just weight, a perfect and just measure shalt thou have: that thy days may be lengthened in the land which the LORD thy God giveth thee.

16 For all that do such things, and all that do unrighteously, are an abomination unto the LORD thy God.

The fiat currency known as the Federal Reserve Note (FRN) is the quintessential unjust weight and measure. The FRN has lost more than 97% of its value, devastating the People's savings, laying an invisible tax. The concept of inflation was born as a way to fool the people into not grasping that the currency is simply deflating, as all fiat currencies do. We are at the verge of financial collapse as a result of the Fed and Banks being able to expand credit with the tap of a computer key board. The Plaintiffs have an absolute God given, constitutionally protected right to protest with all means available the unconstitutional, perverse corrupt financial system that is the Federal Reserve System. It is neither federal nor is there a reserve. The founding fathers specifically withheld the power of Congress to emit bills of credit and specifically denied to the States that same power.

This prescient decision was made as a direct result of seeing what happened during the Continental Congress era with states issuing Bills of Credit. The phrase "not worth a continental" came from the collapse of the paper bills of credit issued by the Continental Congress. It was a direct result of the bankruptcy of the United States as declared by Congress on June 5, 1933 that the Supreme Court gave the government the new power to abrogate and impair the obligations of contracts by declaring contracts parable in gold to be against public policy.

Now with the ability of the people to do research from the comfort of their homes, and the resulting awareness that research is bringing, the thugs employed by the corporate United States are using acts of terrorism, intimidation and prosecutions to attempt to keep a lid on the People's growing awareness that they have been swindled by their lawmakers acting in cahoots with the international bankers to destroy property ownership, financially destroy the people and overthrow the dejure government. While this process is virtually complete, no one can take away the People's right to choose their form of government. The Plaintiffs choose to live in a Constitutional Republic, under the laws of God. Guns, force, and threats by Andy and

Timmy cannot force us to take part in the fascist legislative democracy and become persons subject to dead men's statutes.

When the foregoing is considered in light of US Senate Document 43, Senate Report 93-549, an analysis of the emergency legislation states the following on page 9:

The ultimate ownership of all property is in the State; individual so-called 'ownership' acute; is only by virtue of the government, i.e., law, amounting to mere user; and use must be in accordance with law, and subordinate to the necessities of the State."

If the State is going to own all the property, then it must be responsible for everything. If the People cannot pay their debts at law, therefore there is no law. How would the majority of Americans feel to know that their government considers them to be mere users of their land and property, that the State is the ultimate title holder. That is the definition of a fascist state. No wonder agents such as Andy and Timmy use thuggery to dissuade the newly informed, such as the Plaintiffs from acting on their knowledge and protesting the current states of affairs.

Plaintiffs assert that as is fully recognized and protected in the First Article of Amendment to the Constitution for the United States, they use their freedom of speech, freedom to peaceably assemble and religious freedom to practice their methods and means to bring an end to the Federal Reserve System and restore our lawful form of government. The only alternative, should the courts fail the people in the exercise of these rights, is to abolish this government as is stated as a duty of the People in the Declaration of Independence.

Since the Defendants have remained silent and failed to respond to Plaintiffs challenge to their authority, Plaintiffs contend that the Defendants have lost any pretense to claim immunity that they are acting in their private and personal capacity and must be held accountable for their grievous actions against the people.

- 22) While the Defendants might claim immunity from suit as a direct and proximate result of their executing their duties for the sovereign, Plaintiffs offer their Court the following: Andy and Timmy work for the United States. Congress has informed us at 28 USC 3002 (5)(A), "United States means – a Federal Corporation.

Plaintiffs rely on the wisdom once again on the founding fathers. We find that during the Committee on Styles deliberations regarding the federal Constitution, the power of Congress to incorporate was debated and specifically denied by vote of the 13 colonies to deny such a power to congress.

The Congressional power to incorporate was considered, but rejected, to wit:

The power was proposed in two forms: "To grant charters of incorporation in cases where the public good may require them, and the authority of a single State may be incompetent", and simply "To grant charters of incorporation".

From the Committee of Style's debate on the subject we find in the official record:

Doc' Franklin moved to add the words "post roads" Art. 1 Sect. 8 "a power to provide for cutting canals where deemed necessary"

M^r Wilson [seconded] the motion

M^r Sherman objected. The expence in such cases will fall on the U. States, and the benefit accrue to the places where the canals may be cut.

M^r Wilson. Instead of being an expence to the U.S. they may be made a source of revenue.

M^r Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the interest of the U.S. might require & the legislative provisions of individual States may be incompetent." His primary object was however to secure an easy communication between the States which the free intercourse now to be opened, seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow. M^r Randolph [seconded] the proposition.

M^r King thought the power unnecessary.

M^r Wilson. It is necessary to prevent a State from obstructing the general welfare.

M^r King. The states will be prejudiced and divided into parties by it. In Philad[elphia] & New York. It will be referred to the establishment of a Bank, which has been a subject of contention in those Cities. In other places, it will be referred to mercantile monopolies.

M^r Wilson mentioned the importance of facilitating by canals, the communication with the Western Settlements. As to Banks he did not think with M^r King that the power in that point of view would excite the prejudices & parties apprehended. As to mercantile monopolies they are already included in the power to regulate trade.

Col: MASON was for limiting the power to the single case of Canals. He was afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution as supposed by M^r Wilson.

The motion being so modified as to admit a distinct question specifying & limited to the case of canals.

N[ew] H[ampshire] no. Mas[sachusetts] no. C[onnecticut] no. N[ew] J[ersey] no. P[ennsylvania] ay. Del[aware] no.. M[aryland] no. W[irginia] ay. N[orth] C[arolina] no. S[outh] C[arolina] no. Geo[rgia] ay.

The Records of the Federal Convention of 1787. Pages 615 and 616

It is interesting to note that one of the concerns was that a power to incorporate would be used to create a Bank!!!

Plaintiffs hereby give notice to this Court that the United States as it is currently organized as an alleged Federal Corporation does not exist at law, cannot claim sovereign immunity and therefore could not authorize the Defendants to commit the acts complained of even if it tried. If the definition had included that additional terms of a body politic as well as a body corporate, the situation would be very different. As a federal corporation however, Plaintiffs contend that the United States as well as hundreds of other GSEs, GSOs, N.A.s and federal corporations do not exist at law and therefore have not the capacity to sue or be sued, nor make any claims against Plaintiffs.

- 23) For some reason which the Plaintiffs cannot currently explain Andy has recruited Timmy to investigate the filings of Plaintiffs James Edward, Edward William and Kathy Marie. Why the FBI would be involved in tax issues escapes us. Plaintiffs conjecture that Andy has become so obsessed with bringing down the Plaintiffs that he is going to the old standby, where the

USA, an instrumentality of the United States, has an incredibly high conviction rate. Plaintiffs will point to their affidavits of non-tax liability, (enclosed as Exhibit 3) which are in the public record and have never been disputed by any entity as well as all of the administrative record on the attached DVD CD. Timmy has informed Edward William that he intends to seek indictment for interfering with the administration of the tax laws because the Plaintiffs dared to send documents to the IRS asserting their position, that they were not engaged in a trade or business, the functions of a public office, and therefore were not liable under the tax code for income taxes. This is only one of many well documented as well as detailed analysis that Plaintiffs have provided the IRS which has remained silent for over a year on these issues.

Plaintiffs have a constitutionally protected right to petition their servant government for a redress of grievances. Plaintiffs contend that these communications are privileged and protected under that protected right and that Andy and Timmy are once again attempting to deny and frustrate Plaintiffs in their claim and exercise of these rights. Plaintiffs hereby incorporate all of the material on the enclosed DVD and CD as if fully set forth herein. Plaintiffs contend that they are not "taxpayers", not residents of the United States or its territories, not engaged in a trade or business, have never been paid for their labor and never received a profit from their labor.

Plaintiffs will not burden the Court with reproducing all of the arguments contained in the hundreds of documents on the DVD's hereby attached and made a part of the record, suffice it to say that everyone from the Commissioner of IRS and Chief Counsel, to Andy and Timmy, have received notice and demand to respond. As a principle of equal protection of the law, it is interesting to note that the IRS routinely sends out 30 day notice letters to "taxpayers" noticing them that if they do nothing, then they become liable for a tax debt. The IRS obviously claims a right to use the principle of "silence is acquiescence." In our system of government, the People are sovereign and have given to the government some of our sovereign powers. If the

government can create a presumption of liability by ones silence, then the people can establish a presumption of no liability by the same process.

- 24) Another important issue raised with the Defendants is one regarding the establishment clause. The Plaintiffs have asked the question of their servants is the law the law as written or is it what the agent of the government and the governments publications tell us it is? In the case of the IRS, the courts have ruled that you cannot rely on, or trust any thing the IRS says on their website or in their publications. Essentially condoning lying and deception by the IRS. However, Plaintiffs contend that if the people are supposed to succumb to the threats of prosecution, loss of their property through liens and levies, based on the fictional representation of what the agents of the FedCorpGov say the law is, based on faith, then that amounts to a religion. Governments are based on law. Religions are faith based. Therefore, Plaintiffs contend that those same agents, such as Andy and Timmy, are in violation of the anti-establishment clause of the First Article of Amendment regarding the prohibition against the federal government establishing a religion. Therefore, they are once again outside their official capacity, instead acting within their personal capacity.

Causes of Action

Fist Cause of Action: Denial of Rights

- 25) Plaintiffs herein place a very high value on their God given unalienable rights, all of them. Too many Americans today have no idea what rights they have nor of the need to vociferously claim and protect them. As the United States, FedCorpGov, tends ever more insidiously towards a totalitarian fascist state, it will be ever more important for We the People to defend our liberties, rights and freedoms and demand that government respect constitutionally imposed limits.

The Plaintiffs have no problem with the laws as written. In fact, Plaintiffs have found virtually no law currently on the books to be unconstitutional. Congress has without exception written the laws pursuant to their exclusive

jurisdiction over the territories and DC, but with the several states to be without their scope as is proper. Plaintiffs do have a problem when poorly trained, highly indoctrinated federal agents, whose office can be exclusively executed from DC, do not recognize and respect those of us who do not choose to be federal benefit recipients, participate in a "trade or business" which are the functions of a public office and do not wish to contract with these thugs.

Plaintiffs have a right to have their public servants strictly comply with the spirit and letter of their oath. As such, that means to Plaintiffs that Andy and Timmy must respect the limits of their authority especially when dealing with men and women who live and exist under the original jurisdiction, without the United States.

Plaintiffs also do not countenance to Andy and Timmy acting in the role of a protection racket for the private Federal Reserve System. Pursuant to Plaintiffs First Article of Amendment guaranteed right to peaceably protest the immoral, unconstitutional and fraudulent Federal Reserve fiat currency system, Plaintiffs have used means and methods to protest the Fed.

Andy and Timmy have no lawful authority to use purported government resources including heavily armed agents to "protect" the fiat currency of a private enterprise such as the Fed. Just because the Federal Bureau of Engraving prints Federal Reserve Notes, that does not make FRNs an official government currency. In point of fact, as has been shown to the Defendants and they have provided no evidence to the contrary, Federal Reserve Notes have not been legal tender since 1982, see 96 Stat 1074. Andy and Timmy have no authority to deny Plaintiffs their First Amendment right to petition for redress, practice their religious freedom and protest.

Andy and Timmy have been shown that in the case of the use of Bills of Exchange, Plaintiffs were relying in good faith on the holdings of state and federal court rulings. In the case of the income tax related documents, Plaintiffs have shown Andy and Timmy that they are simply relying on what

the law says. Andy specifically stated that we have a difference of opinion. The law must be certain and knowable, not the subject of opinions and beliefs. If one must rely on the belief system of federal agents to determine what the law says, then that amounts to a religion and the First Amendment clearly denies the government the ability to establish a religion. Therefore, Andy and Timmy are in violation of the establishment clause.

The Affidavit of Probable Cause shown as Exhibit 2 is actually from a later raid conducted in May of 2007. Since Plaintiff have not been able to obtain a copy of the Affidavit used in their respective case, Plaintiffs believe the Affidavit of Exhibit 2 to be representative until through discovery, Plaintiffs can provide a copy of the actual Affidavit used to obtain the search warrant against their property. As the Constitution clearly states, no warrant shall issue except under oath or affirmation. In the Affidavit shown, Andy has failed to provide his oath or affirmation within the Affidavit and the Affidavit is therefore insufficient to obtain the search warrant used to forcefully and violently raid the Plaintiffs homes. This is a further denial of due process of law and Constitutionally protected rights.

Andy and Timmy are in colusion and conspiracy to deny Plaintiff's their right to demand a redress of grievances, right to protest, right to protection from the government establishing a religion and demanding tribute as well as Plaintiffs right to equal protection and due process.

Plaintiffs should be compensated for the violation of their rights at the value they place on their rights of \$10,000,000 in lawful money of the United States of America, each.

Second Cause of Action: Breech of Contract

- 26) Plaintiffs accepted Andy's offer to contract and also accepted Andy's oath. See Exhibit 4, Notice of Acceptance of Offer to Contract. Plaintiffs accepted Andy's offer to contract and clearly defined the terms and conditions of that acceptance. As all federal writings are an offer to contract and with the bankruptcy of the United States March 9, 1933 with the subsequent loss of

real money, everything in the FedCorpGov United States has been reduced to commerce. Plaintiffs duly served upon Andy their acceptance of his offer to contract. Andy did not dispute nor amend the terms and conditions of Plaintiff's acceptance.

By default, Andy has admitted his lack of authority to interfere in the private affairs of Plaintiffs. He also agreed to provide a bond in the amount of twenty five million dollars in lawful money of the United States of America to protect Plaintiffs from any acts or omissions that might damage Plaintiffs. Andy had thirty days to provide Plaintiffs of proof of such a bond. After 30 days, since Andy did not provide proof of bond, Andy agreed that his acts constituted a intentional tort and would be liable for treble the \$25,000,000 bond amount.

Since Andy is in violation of numerous paragraphs of the contract, not the least of which is number 35, to wit:

Declarants have not seen or been presented with any material facts or admissible evidence that demonstrate that **Respondents** do not become liable in their personal capacity, to the **Declarants**, for any violations of Laws, STATUTES, CODES, REGULATIONS, and RULES as they are published in the public records, and believe that none exists;

Andy is in violation of the terms of the contract and has committed a breach. Andy and by association Timmy, therefore owes to Plaintiffs the amount of \$75,000,000.00 dollars lawful money of the United States of America.

Third Cause of Action: Civil Trespass.

- 27) Plaintiffs allege and contend that as domiciliaries within the several states of the American union, they have all of the rights, privileges and immunities of the original jurisdiction granted to the People of the 13 original colonies. As such, Andy and Timmy have no established authority to come into one of the several states to investigate, harass, steal the property of, and threaten Plaintiffs, unless they can show that they have a specific Delegation of Authority issues by Congress pursuant to Title 4, Sec 72 of the UNITED STATES CODE. Plaintiffs have seen no evidence that Congress has issued any such Delegation of Authority to ANY agency, including the FBI. Andy

and Timmy have trespassed on the private affairs of Plaintiffs and Andy and Timmy have already agreed to same.

Fourth Cause of Action: Perjury

- 28) As with any act of tyranny, all it requires to succeed is for good men to do nothing. In order to accomplish their devious agenda, Andy and Timmy had to engage the assistance of other elements of the FedCorpGov such as the judicial branch. Within the body of the Affidavit of Probable Cause (as previously stated representative only the Plaintiffs Affidavit) Andy states that Plaintiff Edward William, Lewis-Vincent, and Kathy Marie were attempting to discharge valid debt. Plaintiff state that this is a bold faced lie. The creditors created money out of thin air to fund the "loans" using Plaintiffs signatures as the basis. Further, Plaintiffs received nothing of value within the transaction. And since the creditors used the Plaintiffs own signature on promissory notes as "money" to fund the loan, in point of fact the creditors were paid in full at closing. This is clearly set forth in the STATE OF MINNESOTA, COUNTY OF SCOTT, TOWNSHIP OF CREDIT RIVER, case of 1968, JUSTICE MARTIN V. MAHONEY presiding. Andy should have known this and would had to perjure himself to find a violation of law to get his search warrant. Since Andy has refinanced his own house numerous times in the last several years, maybe he is harboring some ill will to those that understand the fraud associated with these loans transactions.

Andy also alleges that Plaintiffs violated 18 USC 514 which in part states:

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

The documents utilized in the so called commission of a crime in no way shape or form made any representation to be "an actual security or other

financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization." The documents were issued under Plaintiffs own name and authority. In some instances the document were accompanied by a lengthy legal brief detailing the Plaintiffs analysis of the authority to issue the document. Therefore, Plaintiffs contend that Andy perjured himself to allege the documents violated 18 USC 514 when he knew or should have known that they did not and could not on their face.

In Andy's affidavit, he alleges that criminal acts were committed. In order for a crime to be committed there has to be mens rea. Since each of the documents was clearly stamped with a notice that the document was void where prohibited by law, and was attached to a legal brief on why the document was legal, how could there be even a presumption of mens rea. From Wikipedia we read:

— In criminal law, mens rea -- the Latin term for "guilty mind"^[1] -- is usually one of the necessary elements of a crime. The standard common law test of criminal liability is usually expressed in the Latin phrase, *actus non facit reum nisi mens sit rea*, which means that "the act does not make a person guilty unless the mind is also guilty". Thus, in jurisdictions with due process, there must be an actus reus accompanied by some level of *mens rea* to constitute the crime with which the defendant is charged

Andy had to perjure himself to convince the court that he could find one shred of evidence of a "guilty mind" when he was in possession of all the evidence necessary to show a good faith belief in the legal authority to use the documents.

Andy has provided information to the grand jury to falsely continue his witch hunt again alleging a criminal act. During meetings with Andy subsequent to the raid and theft of Plaintiffs property, Andy had been told and shown repeatedly, that on Plaintiffs computers, the cases of Bank One v Ward and U.S. v Williamson were to be found there. In each case, one a Florida State

case and the other a Federal case from Waco Texas, the judges had ruled that the Bills of Exchange tendered discharged the debt. Now how could Andy make the leap of facts and evidence to conclude that Plaintiffs had criminal intent when they relied on holdings of state and federal Courts. The Bank One V Ward case was much later over turned on appeal, however the Williamson case has been left undisturbed. Andy must have perjured himself to represent to the Assistant U.S. Attorney and the grand jury that his investigation found any criminal intent. As a direct and proximate result to Andy's malicious and mischievous perjury Plaintiffs have suffered nearly four years of loss of their property, stress and harassment and should be compensated accordingly.

Fifth Cause of Action: Terrorism

- 29) Andy's and Timmy's investigation and threats of indictment and incarceration have but one intended purpose. To use fear to protect the private Federal Reserve System from sound constitutional criticism and protest and to enforce compliance with the belief based application of the Internal Revenue Code despite what it actually says.

From Wikipedia we find:

Terrorism, in the modern sense,^[2] is violence against civilians to achieve political or ideological objectives by creating fear.^[3] Most definitions of terrorism include only those acts which are intended to create fear (terror), are perpetrated for an ideological goal (as opposed to a lone attack), and deliberately target or disregard the safety of non-combatants (civilians). Many definitions also include only acts of unlawful violence and acts of war.

Terrorism is also a form of unconventional warfare and psychological warfare. Few words are as politically or emotionally charged as terrorism.^[4] and this greatly compounds the difficulty of providing a precise definition. One 1988 study by the US Army found that over 100 definitions of the word "terrorism" have been used.^[5] A person who practices terrorism is a **terrorist**.

Terrorism has been used by a broad array of political organizations in furthering their objectives; both right-wing and left-wing political parties, nationalistic, and religious groups, revolutionaries and ruling governments.^[6] The presence of non-state actors in widespread armed

conflict has created controversy regarding the application of the laws of war.

Plaintiffs contend that Andy and Timmy commit their acts for "political and ideological goals" using fear and violence. Andy and Timmy even ambushed Kathy Marie, the wife of Edward William one evening around 7:00 PM when Andy and Timmy knew that Edward William would be at a meeting where the constitution and rule of law would be discussed. Andy has had this meeting group under surveillance for several years, including placing under cover agents inside the group. Plaintiffs do not need to remind the Court of the CoIntelPro cases where the FBI was heavily fined for going after political organizations in direct violation of the People's right to peaceably assemble and the protected nature of political speech. During the ambush, Andy and Timmy tried to give Kathy Marie a document touting the extraordinarily high conviction rate of federal prosecutions. This is a clear attempt to influence using fear, coercion and threats. In other cases where Andy has conducted his investigation, he informed the girlfriend of a target that Andy was investigating the target for terrorism, bringing an end to a many year relationship. The actual investigation was about Bills of Exchange.

In another of Andy and Timmy's finer moments, they called the Department of Social Services on a man whose 91 year old mother is home during the day while the target was at work. The target, whose name is Dan, takes excellent care of his mother, and she prefers to live the way she does, however, Andy was supset that Dan would not bow to his will and struck out in another way.

As Plaintiffs have challenged Andy to provide evidence of his authority in light of 28 USC 535, and he has failed to provide same, it is Plaintiffs contention that since the Constitution provides for no national police force and the courts have acknowledged the same, Andy's and Timmy's actions are without lawful authority and they are then criminal actors brandishing the threats of violent raids on people's property, indictments and incarceration to implement their scheme of fear and violence to achieve their political aims of subjugating a once free people.

Plaintiffs complain of defendants that their tactics are incompatible with the behavior of public servants in a free and law based society. Plaintiffs should be compensated and the Defendants should be penalized to prevent any further acts of terrorism against the People of the several states.

Sixth Cause of Action: Unjust enrichment

- 30) Andy and Timmy make the claim to be agents of the United States government. They therefore accept salaries and other compensation. Plaintiffs allege that the acts and commissions of Andy and Timmy are outside any possible lawful authority and therefore are not within the scope of compensation afforded them. Plaintiffs claim that this constitutes unjust enrichment through acts of fraud and deception. Plaintiffs request the court to have Andy and Timmy reimburse to the United States all salaries, expenses, benefits and other compensation received by them since at least August 24, 2004.

Seventh Cause of Action: False Claims and Fictitious Securities

- 31) Andy and Timmy have made claims against Plaintiffs that they owe some arbitrary amount of a tax. Plaintiffs have provided ample evidence that they are not liable under the tax law and owe no tax to the IRS. Without belaboring the voluminous documentation provided and its inclusion in this suit, by example, Plaintiffs show to the court the following.

Title 18 Section 8 defines a Federal Reserve Notes as an "obligation of the United States."

Section 8. Obligation or other security of the United States defined

The term "obligation or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued."

Then we look to Title 31 Section 3124 which states that "obligations of the United States are EXEMPT FROM TAXATION BY A STATE."

"Section 3124. Exemption from taxation

interview that Edward William was informed that Timmy was of the opinion that he had interfered with the administration of the tax laws. How a non-taxpayer could interfere with tax laws that do not apply to him is still beyond his ability to understand.

Edward William then informed Andy and Timmy that they had a duty to disclose to any target of a criminal investigation that they were indeed being criminally investigated. Andy made the statement that he had no obligation to disclose any details of their investigation. In the case of *U.S. v Tweel* supra, that case involved a couple of IRS agents interviewing a married couple, without informing them they were being criminally investigated. The Court held this amounted to fraud because the agents had a duty to speak and inform the target so they could protect their right to remain silent and have effective assistance of counsel.

Plaintiffs complain that Andy and Timmy committed fraud by failing to inform Plaintiff that they were the target of a criminal investigation when they were invited or confronted to act as a witness against themselves. Andy and Timmy should be required to pay restitution to Plaintiffs in an amount commensurate with the gravity of their transgressions.

Relief Sought

Wherefore, Plaintiffs request that:

- 33) The Court find that the Defendants exceeded their lawful authority and were acting without immunity in their personal and private capacity.
- 34) That the Court find that the law as written is the basis for all actions both public and private. The law is the law and not what some FBI agent or Treasury agent would like it to be.

- 35) The Court find that the actions of Plaintiffs with respect to their use of Bills of Exchange and other debt payment technologies is not a criminal act and that the Plaintiffs relied in good faith on the findings of the Courts and that they cannot be prosecuted for that reliance.
- 36) That the Court order the Defendants to zero out their records to reflect a zero tax liability for all years currently tracked by their record keeping system.
- 37) That the Court order the conviction of Defendant LEWIS VINCENT HUGHES in United States District Court, Western District of Washington in Seattle, Washington case no: CR04-0422C void and vacated, and the record expunged.
- 38) That the Court enjoin the Defendants from any contact with the Plaintiffs, interference, trespass, threats, coercion, or investigation into the private affairs of the Defendants.
- 39) That the Court order the Defendants to pay Plaintiffs \$75,000,000.00 in lawful money of the United States of America, which is Gold and Silver coin for breach of contract and intentional tort. Amount and specie of payment having been established by contract.
- 40) That the Court order the Defendants to repay the United States all of their compensation since the commencement of their activities in this matter.
- 41) That the Court find no national police force exists and the Citizens of the several states are not subject to federal law enforcement authority.

- 42) The Court order the Petitioners' property be returned in the same condition it was in when it was seized, free from damage, abuse or destruction or other alteration, eaves-dropping devices or other surveillance technology.
- 43) That the Court order Defendants to pay to Edward William the amount of \$13,652,347.89, Kathy Marie the amount of \$10,525,923.00 and James Edward the amount of \$2,067,910.77 in compensation for the false claims of Defendants.
- 44) The Court order Defendants to remove all Notices of Lien or Levy to be found anywhere against Defendants.
- 45) That the court find that Plaintiffs acted in good faith, without criminal intent, to follow the law as it applies to fraudulent loan transactions and the excise tax known as the income tax which is applicable only to federal franchisees and other government officials.
- 46) The Court declare that Plaintiffs are not taxpayers, not U.S. persons and no entity may contradict that declaration.
- 47) The Court order such other and further relief as it may deem necessary and proper.